

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL PUBLIC RADIO, INC. and
HANSI LO WANG,

Plaintiffs,

V.

UNITED STATES CENTRAL
COMMAND,

Defendant.

Case No. 21 Civ. 10511 (JGLC)

STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL

WHEREAS, on or about July 14, 2021, plaintiffs National Public Radio, Inc. and Hansi Lo Wang submitted two requests (the “Requests”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to defendant United States Central Command (“CENTCOM” or “Defendant”);

WHEREAS, the Requests sought records regarding allegations of civilian harm resulting from an October 2019 military operation in northwestern Syria to capture or kill ISIS leader Abu Bakr al-Baghdadi;

WHEREAS, on December 8, 2021, Plaintiffs brought this action seeking to compel disclosure of records responsive to its Requests;

WHEREAS, following the commencement of this action, CENTCOM produced records responsive to the Requests; and

WHEREAS, the only outstanding issue in this case is Plaintiffs' claim for attorneys' fees and costs, and the parties wish to resolve that claim and dispose of this matter without further litigation,

NOW, THEREFORE, it is hereby STIPULATED and AGREED between the parties as follows:

1. Within a reasonable time after the Court has endorsed and docketed this Stipulation and Order, CENTCOM shall pay to Plaintiffs the sum of eight thousand dollars (\$8,000.00) in full and final satisfaction of any claim by Plaintiffs for attorneys' fees and litigation costs in this matter. Payment shall be made by electronic funds transfer, and Plaintiffs' counsel will provide the necessary information to Defendant's counsel to effectuate the transfer.

2. Plaintiffs release and discharge Defendant and the United States of America, including its agencies, departments, officers, employees, servants, and agents, from any and all claims and causes of action that Plaintiffs asserted, or could have asserted, in this litigation arising out of Plaintiffs' Requests.

3. This action is accordingly dismissed with prejudice and without costs or fees other than as provided in paragraph 1 of this Stipulation and Order, provided that the Court shall retain jurisdiction over any issues that might arise relating to the enforcement of this Stipulation and Order.

4. Nothing in this Stipulation and Order shall constitute an admission that Defendant is liable for any attorneys' fees or litigation costs. This Stipulation and Order is entered into by the parties solely for the purpose of compromising disputed claims in this case and avoiding the expenses and risks of further litigation concerning Plaintiffs' claim for attorneys' fees and litigation costs. This Stipulation and Order is non-precedential with respect to any other

proceeding involving the parties, including, but not limited to, any other FOIA action or administrative proceeding, and shall have no effect or bearing on any pending or future request for records made by Plaintiffs under FOIA.

5. This Stipulation and Order contains the entire agreement between the parties, and no statement, representation, promise, or agreement, oral or otherwise, between the parties or their counsel that is not included herein shall have any force or effect.

6. This Stipulation and Order may be executed in counterparts. Facsimile or pdf signatures shall constitute originals.

Date: July 6, 2023

Date: New York, New York
June 30, 2023

DAVIS WRIGHT TREMAINE LLP

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Attorney for Defendant

The Clerk of Court is directed to dismiss this case
with prejudice and terminate any pending motions.

Dated: July 7, 2023
New York, New York

SO ORDERED:

Jessica Clarke

JESSICA G. L. CLARKE
United States District Judge